



South Carolina House of Representatives

# Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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**NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.**

## HOUSE WEEK IN REVIEW

The House of Representatives amended Senate amendments to **H.4657**, the **GENERAL APPROPRIATIONS BILL FOR FISCAL YEAR 2010-2011**, and returned the legislation to the Senate.

The House concurred in Senate amendments to **S.391**, relating to the **DEPARTMENT OF WORKFORCE AND UNEMPLOYMENT COMPENSATION REQUIREMENTS**, and enrolled the legislation for ratification. The legislation provides solvency targets for the state's Unemployment Insurance Trust Fund that is used to provide unemployment compensation benefits and establishes new requirements for the contributions that the state's employers make to the fund. The legislation establishes new requirements for the Department of Workforce to calculate an annual contribution rate for each qualified employer that is based upon a ranking system which divides employers into twenty benefit ratio classes. Each of these twenty classes must contain approximately five percent of the total taxable wages, excluding reimbursable employment wage, paid in covered employment during the four completed calendar quarters immediately preceding the computation date. The income needed to pay unemployment compensation benefits for the calendar year plus any applicable income needed to reach Unemployment Insurance Trust Fund solvency targets must be divided by the estimated taxable wages for the calendar year. The result rounded to the next higher one-hundredth of one percent is the average required rate needed to pay benefits and achieve solvency targets. In any calendar year in which the Unemployment Insurance Trust Fund is insolvent, the state shall impose additional surcharges on all employers to pay interest on the outstanding debt. The estimated amount of interest to be paid in the upcoming year will be divided by the estimated taxable payroll for the calendar year. The result rounded to the next higher one hundredth of one percent is the statewide average surcharge. After the Unemployment Insurance Trust Fund returns to solvency, the department must promulgate regulations concerning the income needed to pay benefits in each year and return the trust fund to an adequate level. The legislation also includes provisions relating to the conduct of Department of Workforce Appellate Panel elections by the General Assembly. This bill prohibits pledges of support for candidates by members of the General Assembly until after the qualifications of all candidates for that office have been determined by the Department of Workforce Review Committee and the review committee has released formally to the General Assembly its report regarding the qualifications of all candidates for the office. The legislation provides that a member of the General Assembly may not trade a thing of value, including a pledge to vote for legislation or for another candidate, in exchange for another member's pledge to vote for a candidate for the Department of Workforce Appellate Panel. A violation of these provisions is a misdemeanor subject to a fine of up to one thousand dollars or imprisonment for up to ninety days. The legislation provides that it is mandatory for a member of the Department of Workforce Appellate Panel to retire not later than the end of the fiscal year in which he reaches his seventy-second birthday.

The House overrode the Governor's veto of to **H.4511**, the "**SOUTH CAROLINA RURAL INFRASTRUCTURE ACT**" which provides a mechanism for alternative methods of financing rural infrastructure needed for economic development. The legislation creates a South Carolina Rural Infrastructure Authority to assist municipalities, counties, special purpose districts, public service districts, and public

works commissions in constructing and improving rural infrastructure by providing loans and other financial assistance. A distinct Rural Infrastructure Fund is established to receive funds from state, federal, and other sources for financing eligible projects including the acquisition and renewal of land, the construction and renovation of facilities, the furnishing of machinery and equipment, and the provision of water service and other improvements needed to aid the development of trade, commerce, industry, agriculture, aquaculture, and employment opportunities, all of which must be primarily located in a county designated as distressed or least developed. The legislation provides for the powers and duties of the seven-member board of directors of the Rural Infrastructure Authority composed of the Secretary of Commerce, who serves as the board chair and six members who must be residents of counties designated as distressed or least developed one of whom is appointed by the President Pro Tempore of the Senate, one by the Speaker of the House of Representatives, one by the Chairman of the Senate Finance Committee, one by the Chairman of the House Ways and Means Committee, and two by the Governor. Before providing a loan or other financial assistance to a qualified borrower, the authority must obtain the review and approval of the Joint Bond Review Committee.

The House overrode the Governor's veto of **H.4607**, a bill relating to **ADVERTISEMENTS FOR THE SALE OR LEASE OF MOTOR VEHICLES**. This bill defines necessary terms and provides procedures that must be followed by motor vehicle dealers in advertisements made in the course of soliciting for the sale or lease of motor vehicles. The legislation establishes new requirements for the clear identification of vehicles advertised for sale or lease and for the way in which discounts, savings, and rebates are to be characterized in such advertisements. The bill revises provisions relating to administrative enforcement orders, so as to provide penalties for motor vehicle dealers who violate these advertisement provisions.

The House sustained the Governor's veto of **H.4347**. This bill revises provisions relating to tax bills and **REVENUE IMPACT STATEMENTS**, so as to provide that the revenue impact statement must be signed by the Chief Economist of the Office of Research and Statistics of the State Budget and Control Board. The legislation revises provisions relating to the certification of a revenue impact of a provision for purposes of its inclusion in the annual general appropriations bill and changes in the official revenue estimate, so as to provide that the revenue impacts must be certified by the Chief Economist of the Office of Research and Statistics of the State Budget and Control Board and that the Board of Economic Advisors shall adjust its estimates to reflect these certifications and make other adjustments it considers necessary in the final version of the annual general appropriations bill.

The House returned **S.1363** to the Senate with amendments. The Senate subsequently concurred in the amendments and enrolled the bill for ratification. The legislation provides for the **LIMITATION OF THE NATIONAL BOARD CERTIFICATION PROGRAM FOR TEACHERS** with its state salary stipends for nationally certified teachers. The legislation provides that teachers who are certified by the National Board for Professional Teaching Standards (NBPTS) prior to July 1, 2010, shall receive an increase in pay for the initial ten-year National Board certification and no more than one ten-year renewal of National Board certification. Teachers receiving national certification from the NBPTS on or after July 1, 2010, shall only receive an annual increase in pay for the initial ten years of the certification. Only teachers who apply for certification prior to July 1, 2010, may receive a loan for the application fee.

The House concurred in Senate amendments to **H.4838**, a joint resolution which authorizes **SUSPENDING SALARY STEP INCREASES FOR TEACHERS AND ADMINISTRATORS**, and enrolled the legislation for ratification. The joint resolution provides that, for Fiscal Year 2010-2011, a local school district board of trustees may determine that all teachers employed by the district must be paid based on the years of experience on the school district salary schedule they possessed in Fiscal Year 2009-2010, without a negative impact resulting to their experience credit. This decision must be voted on by the local school district board of trustees in a public school board meeting with public notice posted on the school district website. Application of this provision must be applied uniformly for all teachers within the school district. The local school district board of trustees may not provide for an increase in salary for district administrators and school administrators and their compensation may not be higher than the actual amount received in Fiscal Year 2009-2010. A local school district board of trustees shall, however, continue to pay teachers and school and district administrators for changes in their education level.

The House approved **S.134**, the "**RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION ACT**", and enrolled the bill for ratification. This legislation prohibits a school district from discriminating against a student based on religious viewpoint. The legislation allows a student to express his religious viewpoint, allows a student to express his religious beliefs in homework and classroom assignments, and allows students to organize and participate in religious student gatherings to the same extent as secular noncurricular groups.

The House approved **S.1300**, relating to **JURY SERVICE BY EDUCATORS**, and enrolled the legislation for ratification. This bill allows a public or private school employee, a person primarily responsible for the elementary or secondary education of a child in a home or charter school, or a person who is an instructor at an institution of higher learning including a technical college selected for jury service during the school term to request and have his service postponed to a date that does not conflict with the school term. School term means the instructional school year, generally from September 1 until May 30 or not more than 190 days. The bill provides that a person selected for jury service who requests postponement must provide certain evidence of educational responsibilities during a home or charter school term coinciding with the dates of jury duty. The legislation makes technical changes regarding excusing jurors for good cause.

The House returned **S.286** to the Senate with amendments. The Senate subsequently concurred in the amendments and enrolled the bill for ratification. The bill requires the Department of Health and Environmental Control (DHEC) to implement in three to five counties of need a targeted community program for **DENTAL HEALTH EDUCATION, SCREENING AND TREATMENT REFERRAL IN PUBLIC SCHOOLS** for children in kindergarten, third, seventh and tenth grades or upon entry into a South Carolina school. Unless a child's parent or guardian completes an exemption form, the student must present to the school an acknowledgement that a dental screening has been performed by an authorized practitioner. Dental screenings would be performed in a school setting. If indicated, the child's parent or guardian would be notified, and the oral health coordinator would facilitate further treatment for the child. Any treatment must be provided free to the child; however, the provider may bill Medicaid. Program guidelines are to be promulgated in regulations. Implementation would be contingent upon funding

and upon regulations being effective. There is no mandatory financial obligation to DHEC, the Department of Education, or school districts within the counties chosen to participate if adequate funding is not appropriated or made available. The legislation is effective July 1, 2010, and it deletes provisions relating to a pilot dental program for school children.

The House returned **S.1134**, the “**SOUTH CAROLINA EDUCATION BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE ACT**”, to the Senate with amendments. This legislation requires school districts to ensure that the educational needs of children in foster care are met by having procedures in place to ensure prompt and seamless transitions between schools and districts. To help with a foster child’s school transitions, school districts shall: (1) consider keeping the child in the same school if it is in the child’s best interest; (2) facilitate immediate school enrollment, and within two school days request or send necessary school records; (3) excuse absences for court-ordered activities; allow opportunity to make up all assignments and required seat time if these absences exceed statutory limits; (4) accept for credit full or partial coursework satisfactorily completed; if the child changes schools, calculate grades and credits as of the date the child left school and not lower the child’s grades as a result of these circumstances; (5) subject to federal law, permit an authorized Department of Social Services (DSS) representative access to the child’s school records for purposes of educational case management and assistance with school transfer or placement of the child; and (6) make school placement decisions to ensure a foster child is placed immediately in the least restrictive educational program and has access to all academic resources, services and extracurricular activities available to other students. DSS shall: (1) immediately enroll the child in school, and maintain in the same school if possible; (2) provide a copy of the court order to the school district, and (3) provide an adult educational advocate for the child.

**S.1134** also includes **SCHOOL YEAR FLEXIBILITY** provisions. The legislation revises a local school district’s authority to set an annual school calendar for teachers, staff, and students by allowing a district to satisfy the statutory minimum of one hundred eighty days of instruction covering at least nine calendar months with the equivalent of one thousand one hundred seventy instructional hours. The legislation provides that a local school district may decide how best to structure the instructional day and how many days of instruction comprise the school year. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among schools in the district. The legislation also revises professional development provisions and other requirements that reference a minimum number of days so as to allow these requirements to be fulfilled with an equivalent number of hours.

The House returned **S.973**, the “**ELECTRONIC SECURING AND TARGETING OF ONLINE PREDATORS ACT (E-STOP)**”, to the Senate with amendments. This bill requires a sex offender who is required to register with the sex offender registry to provide information regarding the offender’s Internet accounts and Internet access providers and Internet identifiers. If any changes to this information occur, the sex offender must notify the sheriff’s office in writing within three business days. The sheriff must notify the South Carolina Law Enforcement Division (SLED) within three business days of the changes. There are penalties for failing to provide the information or knowingly and willfully giving false information regarding an Internet account or Internet identifier. The legislation allows an interactive computer service to request from SLED a

list of all registered sex offenders or information regarding specific sex offenders. SLED may charge a reasonable fee to cover the cost of copying and distributing this information. The legislation outlines how an interactive computer service may use the information. The legislation includes provisions pertaining to the liability of SLED and interactive computer services. For certain sex offenders, the bill requires a judge to order as a condition of probation or parole that the person is prohibited from using the Internet for certain reasons, including accessing social networking sites. **S.973** also makes other changes to the sex offender registry. Among other things, the bill requires a person classified as a Tier III offender by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA) to register every 90 days. For changes in address, the bill reduces the time frame for notifying the sheriff's office from ten to three business days. The bill defines a 'temporary residence' or 'residence' as the location of the individual's home or other place where the person habitually lives or resides, or where the person lives or resides for a period of ten or more consecutively days. The bill requires additional information to be provided about vehicles, trailers, mobile homes and manufactured homes, and aircraft. The bill also requires registration in counties where an offender is employed or volunteers or interns or carries on a vocation in schools. The bill requires palm prints, Internet identifiers, and passport and immigration status. The bill increases penalties for failing to provide required information and for willfully and knowingly providing false information. The legislation also makes changes to what the SLED protocol manual should include.

The House concurred in Senate amendments to **H.3719** and enrolled the bill for ratification. The legislation establishes the **ENDANGERED PERSON NOTIFICATION SYSTEM** within the Missing Person Information Center to provide a statewide system for the rapid dissemination of information regarding a missing person who is believed to be suffering from dementia or some other cognitive impairment. If the center receives a report that involves a missing person who is believed to be suffering from dementia or some other cognitive impairment, for the protection of the person from potential abuse or other physical harm, neglect, or exploitation, the center shall issue a notification, similar to the Amber Alerts currently issued for lost and abducted children, involving media releases and notifications to motorists on digital highway signs.

The House concurred in Senate amendments to **H.3358**, which makes **REVISIONS PERTAINING TO VULNERABLE ADULT ABUSE AND NEGLECT**, and enrolled the bill for ratification. The legislation revises definitions used in the Omnibus Adult Protection Act. In a nursing home contracted for operation by the Department of Mental Health the bill requires the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division to investigate those fatalities for which there is suspicion that the vulnerable adult died as a result of abuse or neglect, the death is suspicious in nature, or the death is referred by a coroner or medical examiner. The bill authorizes the Department of Health and Environmental Control (DHEC) to enter at all times in or on the property of any facility or service, whether public or private, licensed by the department or unlicensed for the purpose of inspecting and investigating conditions relating to DHEC violations. If entry or inspection is denied, the bill authorizes the department to seek a warrant from a magistrate to enter the property upon a showing of probable cause for the need for entry and inspection.

The House returned **S.1078**, a bill establishing **CRIMINAL SCREENING REQUIREMENTS FOR NURSING HOME AND COMMUNITY RESIDENTIAL CARE**

**FACILITIES LICENSURE**, to the Senate with amendments. This bill requires an applicant for a license to operate a nursing home or CRCF to undergo a state and national fingerprint-based criminal record check. DHEC may not issue a license if the applicant is required to register as a sex offender or has been convicted of: (a) abuse, neglect, or exploitation of a child or vulnerable adult; (b) a violent crime; (c) any other drug related felony; (d) forgery, embezzlement, or breach of trust with fraudulent intent; or (e) a similar criminal offense committed in another jurisdiction or under federal law. The bill would not prohibit DHEC from issuing a license to operate a nursing home or CRCF when a conviction or plea of guilty or nolo contendere for one of these crimes has been pardoned. However, DHEC will be allowed to consider all that information to determine whether the applicant is unfit for licensure. The cost of obtaining the state and national criminal records checks by SLED and the FBI must be paid by the licensure applicant. The bill also amends the definition of the term, "Direct care entity" to include residential treatment facilities for children and adolescents and hospice programs.

The House amended, approved, and sent to the Senate **H.3298**, a bill relating to **STORING CONCEALABLE WEAPONS IN VEHICLES**. The bill allows a person who has been issued a concealable weapons permit to secure his weapon under a seat in a vehicle or in any open or closed storage compartment within the vehicle's passenger compartment.

The House approved and sent to the Senate **H.4153**, a bill pertaining to **LOBBYING AND ETHICS**. Relating to the registration and reregistration of lobbyists and lobbyist principals, this bill requires the payment of all outstanding penalties before a lobbyist or lobbyist principal may resume lobbying activities. The bill amends the definition of "family member" for the purposes of the Ethics, Government Accountability, and Campaign Reform Act of 1991, so as to include brothers-in-law and sisters-in-law. Relating to the use of one's official position for official gain, this bill replaces certain references to "immediate family" with the broader term "family member". Relating to the authority of the State Ethics Commission to enforce filing requirements and assess penalties for failure to file, the bill caps certain fines at \$5,000. The bill provides that first and second offenses may be tried in magistrates court. Relating to penalties for either late filing of or failure to file a report or statement this bill caps certain fines at \$5,000, and it provides that first and second offenses may be tried in magistrates court.

The House returned **S.1137**, which makes **REVISIONS TO MONITORING THE SALE OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE OR PHENYLPROPANOLAMINE**, to the Senate with amendments. This bill regulates nonprescription products whose sole active ingredient is ephedrine, pseudoephedrine or phenylpropanolamine. Among other things, the bill prohibits a retailer from selling to any individual in any single day a nonprescription product or a combination of nonprescription products containing more than 3.6 grams of ephedrine, pseudoephedrine or phenylpropanolamine. During a 30 day period, a retailer may not sell a nonprescription product or a combination of nonprescription products containing more than nine grams of ephedrine, pseudoephedrine, or phenylpropanolamine. These same restrictions are placed on individuals for purchase of these items. Before completing a sale of one of these regulated products, the retailer must transmit certain information to a data collection system provided by the National Association of Drug Diversion Investigators. The system must collect this data in real time and may generate a stop sale alert. Retailers must comply with a stop sale alert. The legislation includes certain exemptions from the electronic log requirements. The legislation also includes

provisions pertaining to State Law Enforcement Division's electronic monitoring system of these regulated products. The bill also changes a statutory reference of ten grains of cocaine to one gram of cocaine.

The House returned **S.405**, relating to the **TAXATION OF WATERCRAFT**, to the Senate with amendments. This bill revises property tax exemption provisions, to clarify that a watercraft and its motor may not receive a forty-two and 75/100 percent exemption if the boat or watercraft is classified as a primary or secondary residence for property tax purposes. The legislation revises provisions relating to boats with a tax situs in this state, to provide that, upon an ordinance passed by the local governing body, a county may subject a boat, including its motor if the motor is separately taxed, to property tax if it is within this state for ninety days in the aggregate, regardless of the number of consecutive days. The legislation includes revised requirements for claiming boats as primary or secondary residences. The legislation also revises **RENEWABLE ENERGY TAX INCENTIVES** to provide that a 'renewable fuel' also means solid nonpetroleum-based fuels that are State Energy Office approved to produce electricity that may be used for charging the batteries of an electrically powered highway vehicle. It includes nonhazardous industrial solid waste recovered by a materials recovery facility as defined in the Solid Waste Policy and Management Act of 1991. The legislation revises certain timelines and includes demethylation of glycerin derived from biodiesel production as a qualified expenditure.

The House returned **S.915** to the Senate with amendments. This bill provides for an **EXTENSION OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT**, delaying its termination date until June 30, 2015. The legislation also provides for an **INCOME TAX EXEMPTION FOR ESTABLISHING OR EXPANDING A CORPORATE HEADQUARTERS**. Under the legislation, a corporation establishing a national corporate headquarters in this State or expanding an existing national corporate headquarters is exempt from paying state corporate income taxes for a period of ten years if the establishment or expansion adds at least fifty new full-time jobs performing corporate headquarters related functions and services

The House returned **S.1348**, pertaining to the **ESTATE TAX**, to the Senate with amendments. This bill allows the personal representative, trustee, or any affected beneficiary under the will, trust, or other instrument of a will, trust, or other instrument of a decedent who dies after December 31, 2009, and before January 1, 2011, to bring a proceeding to determine whether the decedent intended that formulae under the instrument be construed with respect to the law as it existed after December 31, 2009. The proceeding must be commenced within twelve months following the death of the decedent. The legislation also provides for an **INCOME TAX EXEMPTION FOR ESTABLISHING OR EXPANDING A CORPORATE HEADQUARTERS**. Under the legislation, a corporation establishing a national corporate headquarters in this State or expanding an existing national corporate headquarters is exempt from paying state corporate income taxes for a period of ten years if the establishment or expansion adds at least fifty new full-time jobs performing corporate headquarters related functions and services

The House returned **S.912**, relating to the **EXPUNGEMENT OF CRIMINAL RECORDS**, to the Senate with amendments. This bill provides exceptions to the requirement for destruction of criminal records when a charge is dismissed or the person is found innocent. Under this bill, these provisions do not apply to a person who is charged with



a violation of Title 50, Title 56, an enactment pursuant to the authority of counties and municipalities provided in Titles 4 and 5, or any other state criminal offense if the person is not fingerprinted for the violation. The bill authorizes the State Law Enforcement Division to promulgate regulations that allow for the electronic transmission of information. The bill allows certain persons who have a report or complaint filed against them with law enforcement but no charges are brought within three years of the report being filed and with the consent of the appropriate solicitor's office to have their records expunged. The bill allows certain persons who have received a pardon to have their records expunged. Applicants that have received a pardon must pay a nonrefundable administrative fee of \$300 and any other applicable fees. This legislation takes effect upon approval by the Governor and applies retroactively.

The House returned **S.692**, pertaining to the **SOLICITORS' TRAFFIC EDUCATION PROGRAM**, to the Senate with amendments. This joint resolution provides that the deadline requiring all circuit solicitors to have a traffic education program in effect is extended from July 1, 2009, to July 1, 2011. No person has the right to apply to the program until the program is established. The joint resolution further provides that a person may be considered for a traffic education program if he has no significant history of traffic violations. A person may not participate in a traffic education program more than once.

The House concurred in Senate amendments to **H.3536**, a bill revising **QUALIFICATIONS OF CORONERS**, and enrolled the legislation for ratification. The bill provides that, in addition to other requirements, a candidate must have at least one of the following qualifications: (a) have at least three years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency; (b) have a two-year associate degree and two years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency; (c) have a four-year baccalaureate degree and one year of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency; (d) be a law enforcement officer, who is certified by the South Carolina Law Enforcement Training Council with a minimum of two years of experience; (e) be a licensed private investigator with a minimum of two years of experience; or (f) have completed a recognized forensic science degree or certification program or be enrolled in a recognized forensic science degree or certification program to be completed within one year of being elected to the office of coroner. The bill further requires a candidate for coroner to file a sworn affidavit with the county executive committee of the person's political party under specified time frames. The bill provides for the filing of the affidavit by petition candidates, and it delineates the information that the affidavit must contain. The legislation also establishes requirements for a person appointed by a coroner to the position of deputy coroner.

The House concurred in Senate amendments to **H.3066** and enrolled the bill for ratification. This bill provides that **ELECTRONIC FILING OF CAMPAIGN DISCLOSURE AND REPORTS** provisions are applicable to all persons subject to the state's Ethics and lobbying laws, including candidates for local government offices, lobbyists, and lobbyist principals.

The House concurred in Senate amendments to **H.3630**, a bill **REQUIRING ALL MUNICIPAL ELECTION COMMISSIONERS AND DESIGNATED STAFF TO**

**COMPLETE A TRAINING AND CERTIFICATION PROGRAM** conducted by the State Election Commission, and enrolled the legislation for ratification.

The House approved **S.1187** and enrolled the bill for ratification. Relating to **REIMBURSEMENT OF PROPERTY OWNERS FOR THE TAKING OF LAND FOR PUBLIC USE**, this bill provides that reestablishment expenses related to the moving of a small business, farm, or nonprofit organization payable for transportation projects pursuant to federal guidelines and regulations may be paid in an amount up to \$50,000, notwithstanding a lower limitation imposed by federal regulations.

The House approved **S.1190**, pertaining to the **STATE FARMERS' MARKET SITE LITIGATION**, and enrolled the legislation for ratification. This joint resolution outlines certain findings by the General Assembly in regard to the settlement of litigation involving a site acquired by the state of South Carolina in Richland County for the proposed State Farmers' Market. The joint resolution confirms and validates the use of specific tracts of land received by the South Carolina Research Authority, and Richland County as part of the settlement, and the use of certain revenues to meet obligations continuing under the settlement.

The House approved **S.1379** and enrolled the bill for ratification. To honor the memory of Cass Elias McCarter, the bill renames the South Carolina Guardian Ad Litem Program as the **CASS ELIAS MCCARTER GUARDIAN AD LITEM PROGRAM**.

The House approved **S.906** and enrolled the bill for ratification. This bill revises provisions relating to **SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS**, to provide that a member upon termination who does not qualify for a monthly benefit may transfer his service credit to the South Carolina Retirement System. The legislation clarifies provisions related to the transfer of earned service credit in retirement plans administered by the South Carolina Retirement Systems.

The House approved **S.910**, relating to the **BONDING AUTHORITY OF SPECIAL PURPOSE DISTRICTS**, and enrolled the bill for ratification. This bill removes limitations from the authority of a special purpose district to mortgage its property under the revenue bond act for utilities. The legislation provides authority to borrow money to a special purpose district providing hospital, nursing home, or care facilities.

The House concurred in Senate amendments to **H.3803** and enrolled the bill for ratification. The legislation amends numerous statutes relating to the various actions and proceedings concerning the affairs of decedents, protected persons, minors, and incapacitated persons falling under the subject matter **JURISDICTION OF THE PROBATE COURT**, so as to differentiate between a formal proceeding and an application to the court and the procedural rules governing each. Among other things, the legislation requires the filing and service of a summons and petition to commence a formal proceeding, distinguishes the requirement of summons and petition from the notice requirements for a hearing on a petition. The legislation also amends statutes relating to the South Carolina Trust Code, so as to substitute "person" for "parent" and "issue" for "child", delete the requirement of a taxpayer identification number on a certificate of trust, and allow certain reimbursements to a prospective trustee.

The House concurred in Senate amendments to **H.4405** and enrolled the legislation for ratification. This bill provides for the **DISPENSING OF CERTAIN DRUGS OR DEVICES AT A FEDERALLY QUALIFIED HEALTH CENTER**. A Federally Qualified Health Center or FQHC means an entity funded by the Bureau of Primary Health Care.

The House returned **S.418**, relating to **MEETINGS OF THE BOARD OF STATE CANVASSERS AND MEETINGS OF COUNTY BOARDS OF CANVASSERS**, to the Senate with amendments. This bill provides that a meeting of the Board of State Canvassers may be convened by telephone or electronic communication instead of in person at the office of the State Election Commission. Relating to the convening of the county commissioners of election as county boards of canvassers, this bill also allows any required meetings to be convened by telephone or electronic communication.

The House approved **S.1340** and enrolled the bill for ratification. This bill makes **REVISIONS TO WILDLIFE PROVISIONS**. It adds new definitions of certain wildlife, fish and plant species. The bill revises and clearly defines birds, game animals and fish classifications. It also defines individual rivers, creeks, lakes, bays, sounds, harbors, and reservoirs. It further repeals several sections of the statute that are no longer applicable.

The House returned **S.974**, which deals with **HUNTING AND FISHING LICENSES**, to the Senate with amendments. The Senate subsequently concurred in the amendments and enrolled the bill for ratification. The bill revises hunting and fishing licenses provisions, with no changes to the fees. It defines licenses, as well as provides the requirements, costs and exemptions. The bill allows for the purchase of a multi-year combination license. The bill creates an apprentice license that gives a one-time exemption for the Hunters Education requirement. An apprentice license holder must be accompanied by a licensed hunter. An active duty member of the armed forces of the United States whose home of record is South Carolina and who is stationed outside of the State, shall, upon presentation of his leave and earnings statement, be allowed to fish and hunt without purchasing a fishing or hunting license. In addition, a resident who is determined to be totally disabled under a Social Security program, the Civil Service Retirement System, the South Carolina State Retirement System, the Railroad Retirement Board, the Veterans Administration, or Medicaid, or their successor agencies or programs, may obtain a three-year disability combination license or a three year disability fishing license at no cost. The license must be issued by the department from its designated offices and is valid for three years from the date of issue. Disability recertification is required for renewal.

The House approved **S.1130**, regarding the **ALLIGATOR MANAGEMENT PROGRAM**, and enrolled the bill for ratification. The bill provides that it is unlawful for a depredation permit holder or his or her designee to sell, barter, or trade or offer to sell, barter, or trade the privilege to take an alligator under the authority of a depredation permit. In addition to a required hunting license, a person must apply to the Department's Alligator Draw Hunt Program. The application fee is ten dollars. Successful selection provides the applicant an opportunity to obtain one alligator tag at a cost of one hundred dollars. There is a ten dollar fee for participation in the Private Lands Alligator Program and the cost for each tag issued under this permit is ten dollars. A nonresident who wants to hunt under the alligator management program must pay a nonresident hunting fee of two hundred dollars. Revenue generated from application and other fees, permits and tags for the privilege of taking alligators must be used by the Department to support the Alligator Management Program.

The House concurred in Senate amendments to **H.3996**, a bill relating to the **POINT SYSTEM FOR HUNTING AND FISHING VIOLATIONS**, and enrolled the bill for ratification. The legislation provides that the Department of Natural Resources shall deduct four accumulated points from a person's record upon a showing that the person successfully completed the department's instruction program. The bill also establishes conditions for when a person is not eligible for point reduction.

The House concurred in Senate amendments to **H.3913** and enrolled the bill for ratification. The legislation revises restrictions on the taking of **STRIPED BASS**.

The House concurred in Senate amendments to **H.3964**, a bill relating to **SEED ARBITRATION**, and enrolled the legislation for ratification. This bill directs the Commissioner of Agriculture to appoint an arbitration committee for the purpose of seed arbitration. This bill updates and clarifies seed arbitration procedures. It replaces obsolete definitions and replaces enforcement mechanisms. The bill revises labeling requirements for seed products and imposes additional prohibitions. The legislation also increases penalties for violations of these provisions. Clemson University shall cooperate with the South Carolina Foundation Seed Association in a foundation seed program responsible for the fostering of the production, processing, and distribution of pure varieties of crop seeds and plants as Clemson University recommends for increase in this State.

The House returned **S.1294**, dealing with **COYOTE HUNTING AND TRAPPING**, to the Senate with amendments. The legislation provides that there is no closed season for hunting or taking coyotes with weapons. The bill provides that it is lawful to trap coyotes under a depredation permit year round and offer them for sale on a year round basis.

The House returned **S.1296**, a bill relating to **HUNTING COYOTES AND ARMADILLOS AT NIGHT**, to the Senate with amendments. The legislation provides that coyotes and armadillos may be hunted at night with an artificial light that is carried on the hunter's person attached to a helmet or hat, or part of a belt system worn by the hunter, along with specific weaponry. Any weapon used to hunt coyotes may not be equipped with a butt-stock, scope, laser site, or light emitting or light enhancing device. It is unlawful to possess any shot size larger than a BB while legally hunting coyotes and armadillos at night with a shotgun. Coyotes and armadillos may not be hunted at night from a vehicle, unless specifically permitted by the Department of Natural Resources. A person who violates these provisions is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

The House returned **S.836**, relating to the **RIVERBANKS PARKS COMMISSION**, to the Senate with amendments. The bill revises the rules and regulations of the Riverbanks Parks Commission so as to prohibit certain activities while on park property.

The House amended Senate amendments to **H.4244**, relating to **UNIVERSITY BOARDS OF TRUSTEES**, and returned the bill to the Senate. The legislation adds a trustee (seat number seventeen, four year term) to the College of Charleston Board with that member to be appointed upon the recommendation of the Alumni Association Board of Directors. The legislation also allows the designee of the President of the Greater University of South Carolina Alumni Association to serve in his position on the board of trustees of the University of South Carolina

The House returned **S.783**, relating to **PATRIOTS POINT DEVELOPMENT AUTHORITY**, to the Senate with amendments. This bill provides there shall be three additional members of the board appointed by the Governor, one appointed upon recommendation of the President Pro Tempore of the Senate, one appointed upon recommendation of the Speaker of the House of Representatives, and one appointed upon recommendation of the State Adjutant General. These three members shall serve for four years and until their successors are appointed and qualify, and vacancies must be filled in the manner of original appointment for the remainder of the unexpired term. The bill further provides that the General Assembly shall appoint a six member joint commission, three from the House of Representatives to be appointed by the Speaker of the House and three from the Senate to be appointed by the President Pro Tempore. The joint commission has authority to approve the Patriots Point master plan and any funding associated with the master plan. Each commission member serves a term of four years.

The House amended Senate amendments to **H.3800** and returned the bill to the Senate. The legislation includes a school attendance officer, foster parent, juvenile justice worker, and a volunteer guardian ad litem among the **PEOPLE WHO MUST REPORT CERTAIN ALLEGATIONS OF CHILD ABUSE OR NEGLECT**. The bill also encourages other people to report this abuse.

The House did not concur in Senate amendments to **S.382**, pertaining to **JOINT TENANCY WITH RIGHT OF SURVIVORSHIP**.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee met on Wednesday, May 19, 2010, where **S.1027** was given a favorable with amendment recommendation. This legislation enacts the **"RENEGADE HUNTER ACT"** which prohibits using dogs to hunt on property without the permission of the landowner. The legislation states that hunting includes attempting to take any game animal, hog or coyote by occupying stands, standing or occupying a vehicle while possessing, carrying or having readily accessible centerfire rifle and a shotgun with shot size larger than number four. In addition, the legislation outlines that possessing,

carrying, or having readily available does not include a centerfire rifle or a shotgun that is 1) unloaded and cased in a closed compartment or vehicle; 2) unloaded and cased in a vehicle trunk or tool box; 3) in a vehicle traveling in a normal manner on a public road or highway; 4) or, in case of a stander with no vehicle, encased or unloaded with the shells at least thirty feet away and stacked.

The legislation further states that it is not a violation if a person, with the landowner's permission, uses a single dog to recover a dead or wounded animal on the land of another and maintains sight and voice contact with the dog. However, if a dog has entered upon the land of another without permission given to the person in control of the dog shall not be killed, maimed, or otherwise harmed simply because the dog has entered upon the land. There are penalties for violating these provisions. This legislation does not apply to bear hunting, and it does not apply to Game Zones One and Two (the Upstate).

## EDUCATION AND PUBLIC WORKS

The full committee met on Thursday, May 20, 2010, and discussed two bills.

Currently, the SC Department of Transportation conducts only passenger rail planning, and there is no planning function for freight rail in the State. As a result, the full committee gave a favorable recommendation to **S.749**, establishing the **OFFICE OF RAILROADS** and the **OFFICE OF PUBLIC TRANSIT** within the Department of Transportation's Division of Intermodal and Freight Programs. The bill provides that the SC Department of Commerce will continue to operate State Public Railway; however, the planning function will be under the SC Department of Transportation. The Office of Public Transit will be responsible for the statewide planning for passenger and freight rail system, including the development of a comprehensive state rail plan. The bill outlines that the responsibility of the Office of Railroads will include, but will not be limited to, preserving railroad rights-of-way for future use and coordinating the preparation of a state railroad corridor preservation and revitalization plan, as well as having the opportunity to apply for and receive state, federal and other funds for freight rail service and infrastructure needs.

In an effort to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents, the full committee gave a favorable with amendment recommendation to **S.319**. This legislation enacts the '**INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**', authorizing the Governor to execute the compact with other compact states. The legislation outlines that the State Superintendent of Education is the compact commissioner of this state. Among many things, this legislation establishes the Council on Educational Opportunity for Military Children. The eleven-member council will consist of the governor or his designee; one member appointed by the Governor to represent military installations in the state; two members of the House of Representatives; two members of the Senate; two members appointed by the State Superintendent of Education; the State Board of Education chair and chair-elect; and the Superintendent of Education or his designee. The legislation also provides for the council's terms, quorum, and leadership, filling of vacancies, and powers and duties; as well as for the terms of the compact. The Council shall submit electronically to the

Governor and the General Assembly an executive summary of the interim activity and work of the council no later than the first day of the regular session of the General Assembly following the first full year of the council's creation. This legislation becomes effective July 1, 2010, contingent upon an appropriation by the General Assembly specified for this purpose.

The full committee gave a favorable recommendation to **S.1298**, addressing **EMERGENCY RELIEF FROM CERTAIN FEDERAL MOTOR CARRIER SAFETY REGULATIONS**. The bill states that when an emergency is declared in North Carolina or Georgia that triggers relief from regulations, an emergency must be declared in this State by the Governor, and that the declaration of emergency must not be terminated prior to the termination of the declaration of emergency in these states.

**S.1171**, pertaining to **DRIVER'S LICENSES**, was given a favorable recommendation by the full committee. The bill makes the required changes in South Carolina law to bring the State into compliance with the minimum requirements of the federal regulations. Licensed CDL drivers from Canada, Mexico, and the Commonwealth of Puerto Rico can drive in South Carolina (which is already Federal law). The bill modifies the definition of "conviction" and includes that "home jurisdiction" means the jurisdiction which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle. In addition, the bill modifies the definition of hazardous material. It also revises the description of a class vehicle and provides for graduated fines for violations of out of service orders as it relates to driving a commercial vehicle.

The full committee gave a favorable with amendment recommendation to **S.1392**, dealing with the issuance of various **SPECIAL LICENSE PLATES**. This legislation provides for the issuance of the following license plates: 'Distinguished Service Medal' Special License Plate; 'Second Amendment' Special License Plate; 'Historic' automobile special motor vehicle license plate for use on a private passenger motor vehicle or a motorcycle that is 25 years or older; 'Distinguished Service Cross' Special License Plate; 'Department of the Navy' Special License Plate; 'Parents and Spouses of Active Duty Overseas Veterans' Special License Plates; 'State Flag' Special License Plates; 'South Carolina Highway Patrol-Retired' Special License Plates; 'Eagle Scouts of America' Special License Plates; 'I Support Libraries' Special License Plates; 'South Carolina Educator' Special License Plates; 'Raccoon Hunters' Special License Plates; 'Beach Music' Special License Plates; Citadel Alumni Association 'Big Red' Special License Plates; 'Largemouth Bass' Special License Plates; High School Special License Plates; and 'South Carolina Wildlife Federation' Special License Plates. The legislation allows a coroner to be issued two special license plates. The legislation allows frames for license plates. With regards to the existing Veteran's special license plate, this bill allows qualified persons to have the wheelchair symbol placed on this plate as well as allows qualified individuals to have the word 'disabled' placed on this plate. The bill allows for the issuance of a third Purple Heart License Plate upon payment of the regular registration fee and a special fee. The bill raises the fee requirements for special license plate to non-profit from 400 to 600 applications or \$4,000 to \$7,500. The bill also allows SC DMV to set \$10 special license plate fee if the sponsoring entity does not set fee.

## JUDICIARY

The full committee gave a favorable report, with an amendment, to **S.107, CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE REVISIONS (STUDENT/SCHOOL EMPLOYEE SEXUAL CONTACT PROHIBITIONS)**. This legislation provides if a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is sixteen or seventeen years of age, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years. If a person affiliated with a public or private secondary school in an official capacity engages in sexual battery with a student enrolled in the school who is eighteen years of age or older, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500 dollars or imprisoned for 30 days, or both. If a person affiliated with a public or private secondary school in an official capacity has direct supervisory authority over a student enrolled in the school who is eighteen years of age or older, and the person affiliated with the public or private secondary school in an official capacity engages in sexual battery with the student, and aggravated coercion or aggravated force is not used to accomplish the sexual battery, the person affiliated with the public or private secondary school in an official capacity is guilty of a felony and, upon conviction, must be imprisoned for not more than five years. An exception is provided for a person affiliated with a public or private secondary school who is lawfully married to the student enrolled in the school at the time of the act. The committee report adds language that indicates that a member of the General Assembly can be elected as an Administrative Law Judge one year after member ceases to hold his position in the General Assembly.

The full committee gave a favorable report, with amendment, to **S.348, PROVISIONS RELATING TO CHILDCARE PROVIDERS AND TESTING OF CERTAIN CONVICTED OFFENDERS FOR HEPATITIS B, SEXUALLY TRANSMITTED DISEASES, AND HUMAN IMMUNODEFICIENCY VIRUS**. The committee report strikes Sections 1 and 2 from the bill. Those deleted sections in the bill provided that a person who is registered with or licensed by the Department of Social Services (DSS) pursuant to childcare facilities licensure facilities requirements, and inflicts great bodily injury upon a child is guilty of a felony and upon, conviction, must be imprisoned for not more than 25 years. The bill also required operators and employees of a family childcare home to annually complete two hours of training approved by DSS. The bill, as amended, makes changes to an existing section of the Code and states that when a person has been charged with a criminal offense and the victim was exposed to bodily fluids during the commission of the crime, the solicitor must test the offender for Hepatitis B and HIV within 48 hours from the time that the offender is charged.

The committee gave a favorable report to **S.1167, REPEAL OF THE SUBVERSIVE ACTIVITIES REGISTRATION ACT**. This bill repeals the statutes in the Code that require the registration of organizations that advocate, advise, teach, or practice attempting to control, seize, or overthrow the government of the United States, of South Carolina, or of any political subdivision thereof by force or violence or other unlawful means. The original legislation was added to the SC Code in the 1950s.



The committee gave a favorable report to **S.1028, CREMATION**. This bill amends Section 32-8-320, which relates to the authorization for cremation. The bill adds that a person named in the decedent's Department of Defense Record of Emergency Data (DD Form 93) is permitted to authorize cremation if the decedent died while serving in the military and so long as there was no known contrary designation in the decedent's will.

## **LABOR, COMMERCE AND INDUSTRY**

The full committee did not meet this week.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The full committee did not meet this week.

## **WAYS AND MEANS**

The full committee did not meet this week.

## Legislative Update, May 25, 2010

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "*Publications*," then click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

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